

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71961 of 2023

Arising Out of PS. Case No.-132 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

=====

MAUSAM ALI @ MASOOM ALI @ MASUM ALI@ MOUSAM ALI SON
OF KABIR ALI @ MD. KABIR RESIDENT OF VILLAGE-
BIRCHHAPAR, TOLA, BALATHARWA, @ BALTHARWA, PS-
PIPRAKOTHI, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Anand Kishore Choudhary

=====

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner as well as the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Baikunthpur Case No. 132 of 2023, registered for the offence
punishable under Section 414 of the Indian Penal Code and Section
30(a) and 41 of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per allegation, total 185 litres of beer was recovered
from a car and the petitioner was apprehended on the spot.

4. The learned counsel for the petitioner has submitted
that the petitioner has falsely been implicated in this case. He is a
person of clean antecedent. Nothing was recovered from his
conscious possession.

5. Be that as it may, section 76 (2) of the Bihar



Prohibition and Excise Act, 2016 makes an explicit embargo on entertaining the application under Section 438 of the CrPC. As such, this anticipatory bail application is dismissed as not maintainable.

6. If the petitioner surrenders and seeks regular bail, the court below shall consider the same on the day of its filing.

7. Accordingly, this petition is disposed of.

(Nawneet Kumar Pandey, J)

SONALI/-

U		T	
---	--	---	--

